IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

MACA.No. 1123 of 2007(F)

OPMV.1063/2001 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER IN OP(MV):

T.K.GANGADHARAN, AGED 58 YEARS,
S/O. KRISHNAN NAIR, RESIDING AT THYKANDY HOUSE,
P.O.KARUMALA, BALUSSERY, KOZHIKODE.

BY ADV. SRI.A.V.M.SALAHUDDEEN

RESPONDENTS/RESPONDENTS IN OP(MV):
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1. THE MANAGING DIRECTOR,
K.S.R.T.C., TRIVANDRUM.

2. T.VELAYUDHAN, AGE NOT KNOWN,
S/O. GOVINDAN NAIR, RESIDING AT VAYYAPURATH
HOUSE, P.O.MUKKAM, THAZHEKODE AMSOM,
KACHERY DESOM, KOZHIKODE.

3. THE NATIONAL INSURANCE CO. LTD.,
DIVISIONAL OFFICE, NOOR COMPLEX,
MAVOOR ROAD, KOZHIKODE.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.1123 OF 2007

Dated 25th July, 2007

JUDGMENT

Koshy,J.

Appellant/claimant at the age of 54 alleged to have met with a motor accident. According to him, he was a passenger in the bus. He did not produce any accident-cum-wound certificate. Therefore, we are unable to find out whether he was admitted in the hospital and what was the reason for the injuries caused to him. According to the Tribunal, injuries can be caused due to a fall also. Even the X-ray produced shows that there is no fracture. Even though claimant was admitted in the hospital, F.I.R is seen lodged after six days of the accident. Insurance Company was impleaded belatedly. They were also not able to find out whether the accident occurred or not. Since there was no fracture, the disability certificate produced was also not accepted. However, considering the hospitalization and medical treatment, a total compensation of Rs.13,500/= was awarded. We are of the opinion that no interference is required in the award at the instance of the claimant.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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